Using the Principles of the Ethical Practice of Public Health

The Public's Health and the Law in the 21st
Century

Alan Melnick, MD, MPH

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Public Health Code of Ethics

Principles of the Ethical Practice of Public Health

- History: need for a code of ethics that addresses the population based characteristics and legal powers of public health
- Public Health Leadership Society workgroup (2000)
- Consultation with ASTHO and NACCHO leadership
- Focus groups with public health practitioners
- APHA Town Hall Meetings 2000, 2001
- AJPH Publication, 2002

Pan Influenza Dilemma

- Efficacy of intensive care for severe acute respiratory syndrome
- Decreased resources
  - Fewer hospital beds
  - Diminished ICU capacity
  - Decreased availability of mechanical ventilation
- In a pandemic situation, resources from outside a given area may be unavailable
- Surge capacity, including medical care points, may still lack enough ventilators

Principles of the Ethical Practice of Public Health

- Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes.
- Public health should achieve community health in a way that respects the rights of individuals in the community.
- Public health policies, programs, and priorities should be developed and evaluated through processes that ensure an opportunity for input from community members.
- Public health should advocate and work for the empowerment of disenfranchised community members, aiming to ensure that the basic resources and conditions necessary for health are accessible to all.
- Public health should seek the information needed to implement effective policies and programs that protect and promote health.
- Public health institutions should provide communities with the information they have that is needed for decisions on policies or programs and should obtain the community's consent for their implementation.
- Public health institutions should act in a timely manner on the information they have within the resources and the mandate given to them by the public.
- Public health programs and policies should incorporate a variety of approaches that anticipate and respect diverse values, beliefs, and cultures in the community.
- Public health programs and policies should be implemented in a manner that most enhances the physical and social environment.
- Public health institutions should protect the confidentiality of information that can bring harm to an individual or community if made public. Exceptions must be justified on the basis of the high likelihood of significant harm to the individual or others.
- Public health institutions should ensure the professional competence of their employees.
- Public health institutions and their employees should engage in collaborations and affiliations in ways that build the public's trust and the institution's effectiveness.

How the Code of Ethics can Help

- Decisions based on epidemiology alone do not always have the best outcomes
- Decisions based solely on legal authority do not always have the best outcomes
  - Is the action necessary?
  - Are there alternatives? (Seek the least restrictive action)
- Processes important as are outcomes
  - Will the benefits (ensuring availability of critical services) justify the means (increased mortality of vulnerable or rural populations)?
  - Doing things right as important as doing the right things (helps engender trust)

What Are the Legal and Ethical Issues for Public Health Actions?

- Identification of priority groups to receive mechanical ventilation
  - Standards of care should be developed before an event
- Enforcement of priorities
- Communication with the public

Actions and Associated Principles

Action	Principles
Identification of priority groups for mechanical ventilation	1: **Address fundamental causes** (identify cause of illness, develop guidelines that reduce the potential for each physician to have to design and defend individual strategies; criteria should be objective and based on epidemiology and survival data) 3. **Ensure input** (vet expert recommendations by a wider group, including lay public, elected officials 4: **Empowerment, assure basic resources for all** (allocate resources equitably regardless of race, gender, income etc., develop triage criteria on a regional rather than institutional basis) 5: **Seek information** (assemble experts, gather data on the condition's response to interventions) 7: **Act in a timely manner** (based on information on epidemic, modify triage accordingly) 8: **Respect diversity** (guideline development includes input from diverse populations)

Actions and Associated Principles

Action	Principles
Enforcement of priority groups for mechanical ventilation	2: **Respect individual rights** (criteria can be guidelines, allowing clinicians to make decisions based on other criteria, but clinicians will get liability protection if they follow guidelines) 4: **Empowerment, assure basic resources for all** (guidelines are followed regionally, rather than by institution; criteria apply regardless of other medical conditions) 12: **Collaboration, trust** (objective guidelines developed with community input in a transparent manner – group decisions made public and enforcement based on agreed-upon criteria)

Actions and Associated Principles

Action	Principles
Communication with public and health professionals	3: **Ensure input** (involve experts, community organizations, elected officials to provide input on criteria) 6: **Provide information** (discuss decisions of groups of experts and community members publicly in advance of the incident) 7: **Act in a timely manner** (if groups convened previously, triage guidelines can be changed within hours to a day as epidemic changes) 8: **Respect diversity** (involve vulnerable and minority populations in decision-making process) 12: **Collaboration, trust** (use transparent process involving community members – make decisions public)